

REMARKS

Applicants presented Claims 13, 14 and 16-23 for examination. In the above-identified Office Action, all of the Claims have been rejected.

Applicants greatly appreciate the Examiner's detailed and meticulous comments in the Office Action to the above-identified application. Because of the care that the Examiner has exhibited in the Office Action, Applicants have been able to fully appreciate and understand the Examiner's reasons and grounds for the rejections. Applicants also appreciate the well thought out suggestions given by the Examiner in the telephone conference with Applicants' attorney and have incorporated the comments accordingly. For the reasons to be stated below, however, Applicants respectfully traverse the Examiner's rejections of the claims.

By this amendment, Applicants have re-enclosed a Change of Power of Attorney and Correspondence Address Form; amended claims 13, 14 and 17 to further clarify the subject matter regarding as the invention; and deleted claims 20 and 21. Accordingly, claims 13, 14, 16-19, 22 and 23 remain pending in the application. Reconsideration is respectfully requested based on the following remarks. Applicants believe that no new matter has been introduced by the amendment and no additional fees are required for the application.

Patentability of Claimed Invention

Claims 13, 14 and 16-23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rome et al (US Patent No. 6,337,901, hereafter Rome) in view of Bardenhuer et al. (US Patent No. 6,084,953, hereafter Bardenhuer). Applicants respectfully disagree.

Rome teaches billing between a telephone service provider and a customer. The described system accesses information from multiple service regions to provide the service provider with a consolidated view of the customer's usage. The consolidated account summarizes the customer's total worth to the service provider. Based on the consolidated views, the provider can implement different terms and conditions for each

customer. Rome also teaches correcting the accounts presented in the consolidated views. (See Rome Abstract and Summary)

In contrast, claim 13 makes reference to billing among three separate entities, namely, a telephone company, a reseller of telephone service and a customer. Applicants' invention teaches more correctly billing the customer of the reseller, based on wholesale billing data of the telephone company and the reseller's internal billing information.

The telephone company employs mainframe computers to generate large amount of data for wholesale billing. Few companies have access to mainframe computers to understand those data. Applicants' invention allows the use of a much less sophisticated computer with much smaller memory capacity to analyze the telephone company's billing information. Claim 13 clearly highlights such limitations. For example, (a) the billing data from the telephone company can have millions of characters in a mainframe computer data format, (b) only a part of the wholesale billing data is accessed and manipulated at one time to conserve memory space, (c) less than 20% of the data accessed can be identified for subsequent data manipulation so that additional memory space is conserved, and (d) Microsoft software is used to generate the tabulated data. Rome does not teach or suggest such features.

The Office Action correctly pointed out that, "Rome et al also does not explicitly teach a comparator configured to compare the tabulated data with the reseller's internal billing information." Office Action, p. 2-3. In an effort to overcome such deficiencies of Rome, the Office Action simply asserted that, "Such would have been obvious to one of ordinary skill in the art at the time the invention was made in order to ensure that the reseller's billing information regarding a particular customer accurately match that accessed from the wholesale billing information." Applicants respectfully disagree.

Rome teaches correcting accounts to help a telephone company make money. Such correction is entirely different from Applications' invented approach. Claim 13 specifically teaches correcting accounts to prevent the telephone company from exploiting their reseller. For example, claim 13 recites comparing the telephone company's wholesale billing information with the reseller's internal billing information

to help the reseller correctly bill its customer—not to help the billing of the telephone company. Hence, Rome's teachings have various deficiencies.

Regarding Bardenheuer, it teaches method and apparatus for Internet assisted return calls so that the Internet can provide real time registration and bill presentment for the customer. (See Bardenheuer Abstract and Summary)

Initially, it is submitted that there is no motivation to combine any of the references in the manner that the Examiner proposes. Furthermore, Bardenheuer also does not overcome the deficiencies of Rome noted above. Thus, Rome and Bardenheuer do not, individually or in any combination, teach or suggest claim 13. Similarly, dependent claims 14, 16-19, 22 and 23 respectively depend from claim 13 and are, therefore, also not taught or suggested by Rome and/or Bardenheuer for at least the reasons noted above.

Based on the foregoing, it is submitted that the claimed subject matter is patentably distinct from Rome and/or Bardenheuer. The additional limitations recited in the independent claim or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Rome and/or Bardenheuer. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 13, 14, 16-19, 22 and 23 under 35 USC §103(a).

The remaining references cited by the Examiners have been carefully considered. However, since they have not been applied against any of the claims and do not appear properly applicable thereto, no further mention thereof will be made.

Summary

It is submitted that claims 13, 14, 16-19, 22 and 23 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.


In the event the Examiner, upon reexamination, determines that an action other than an allowance is appropriate, the Examiner is requested and authorized to telephone Applicants' attorney prior to taking such action, if the Examiner feels that such a telephone call will advance the prosecution of the present application.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500727.

Finally, please send all correspondence for this application to Applicants' attorney, Peter Tong, to the address indicated below.

Dated: October 28, 2003

Respectfully submitted,

By: 
Peter Tong
Registration No.: 35,757

Peter Tong
1807 Limetree Lane
Mountain View, CA 94040
(650) 625-8192

RECEIVED
CENTRAL FAX CENTER
OCT 28 2003

OFFICIAL